

**LEGAL ACTION REPORT
TUCSON POLICE AND FIRE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM BOARDS
MEETING OF TUESDAY, FEBRUARY 9, 2010
CITY OF TUCSON FINANCE DEPARTMENT CONFERENCE ROOM
FIFTH FLOOR OF CITY HALL 255 W. ALAMEDA, TUCSON, AZ
9:01 A.M.**

Mr. Walkup called the Police and Fire Board Meeting to order at 9:01 a.m.

1. ROLL CALL

Police Board Members:

Robert Walkup	- Chair
Marion Pickens	- Member
Curry Hale	- Member
Mike Gurr	- Member
J. D. Kragnes	- Member

1. ROLL CALL

Fire Board Members:

Robert Walkup	- Chair
Marion Pickens	- Member
Curry Hale	- Member
Roger Tamietti	- Member
Brian Delfs	- Member

2. POLICE CONSENT AGENDA: ITEMS A – H

A. MINUTES FOR APPROVAL – 01/12/10

B. PENSION PAYROLL – Deletion of Retirement Benefits for Timur Tau due to his death on 01/21/10, in the amount of \$3,711.93 and addition of Survivor benefits for Darlene Tau in the amount of \$2,969.54. Addition of Normal Service Retirement for Timothy DeJonghe out of DROP in the amount of \$2902.97. Addition of Normal Service Retirement for John Gehm out of

DROP in the amount of \$4,138.69. Addition of Normal Service Retirement for Steven Goldman out of DROP in the amount of \$4,205.01 Addition of Normal Service Retirement for Kevin Mayhew out of DROP in the amount of \$7,127.76. Addition of Normal Service Retirement for Cecilia Riesgo Fry out of DROP in the amount of \$3,435.63.

C. SURVIVOR PENSION

Darlene Tau – Timur Passed away 1/21/10 – Pension effective 02/01/10

D. NORMAL SERVICE RETIREMENT

Timothy DeJonghe – Last day worked 01/28/10 – Pension effective 02/01/10

John Gehm – Last day worked 01/29/10 – Pension effective 02/01/10

Steven Goldman – Last day worked 01/19/10 – Pension effective 02/01/10

Kevin Mayhew – Last day worked 01/29/10 – Pension effective 02/01/10

Cecilia Riesgo Fry – Last day worked 01/04/10 – Pension effective 02/01/10

E. DEFERRED RETIREMENT OPTION PLAN

Mark Cassel – Election to participate in the DROP 01/31/10

Joseph Curran - Election to participate in the DROP 01/31/10

Michael Garcia – Election to participate in the DROP 01/31/10

Paul Hawks – Election to participate in the DROP 01/31/10

Joseph Pat Olguin – Election to participate in the DROP 01/31/10

Martin Pesqueira – Election to participate in the DROP 01/31/10

Mary Slyter – Election to participate in the DROP 01/31/10

Brian Smith – Election to participate in the DROP 01/31/10

John Stamatopoulos – Election to participate in the DROP 01/31/10

Richard B. Wilson III – Election to participate in the DROP 01/31/10

F. TRANSFER OF PRIOR SERVICE

Aninna Thornburg – Redemption of prior service with the Arizona State Retirement System 1.583 years of service in the amount of \$9,934.62

Charles Violette – Redemption of prior service with the Military 0.500 years of service in the amount of \$20,617.00.

G. EXPENDITURE STATEMENT IN THE AMOUNT OF \$500.00 FOR AN APPLICATION PHYSICAL for Carl Davison (\$500.00) by Dr. Dennis Thrasher at Sunnyside Medcenter.

H. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Gurr seconded by Mr. Kragnes, that Police Board Items A – H are adopted with the exception of a portion of Item F regarding Aninna Thornburg

which was removed and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

3. FIRE CONSENT AGENDA: ITEMS A – F

- A. MINUTES FOR APPROVAL – 01/12/10
- B. PENSION PAYROLL – Deletion of Retirement Benefits for Harry Yablonski due to his death on 01/22/10, in the amount of \$3,869.57 and addition of Survivor benefits for Vonnie Yablonski in the amount of \$3,095.65. Addition of Normal Service Retirement for Martin Brandt out of DROP in the amount of \$3,934.01. Addition of Normal Service Retirement for Thomas M. McNamara out of DROP in the amount of \$4,134.06. Addition of Normal Service Retirement for Marcus Wainwright out of DROP in the amount of \$2,552.91.
- C. SURVIVOR PENSION
Vonnie Yablonski – Harry Passed away 1/22/10 – Pension effective 02/01/10
- D. NORMAL SERVICE RETIREMENT
Martin Brandt – Last day worked 01/28/10 – Pension effective 02/01/10
Thomas McNamara – Last day worked 01/28/10 – Pension effective 02/01/10
Marcus Wainwright – Last day worked 01/14/10 – Pension effective 02/01/10
- E. DEFERRED RETIREMENT OPTION PLAN
Randal Garry – Election to participate in the DROP 01/31/10
Michelle Maliniak – Election to participate in the DROP 01/31/10
Timothy Nofs – Election to participate in the DROP 01/31/10
- F. RETAINER FEE OF \$400 PLUS COSTS-DAVID McEVOY, ATTORNEY

MOTION by Mr. Delfs, seconded by Mr. Tamietti that Fire Board Items A – F are adopted and the appropriate action taken. Motion **CARRIED** by a roll call vote of 5-0.

4. APPLICATION FOR DISABILITY PENSION EXECUTIVE SESSION - Discussion or consideration of records exempt by law from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Kelly Lane

There was no executive session under this item.

5. APPLICATION FOR DISABILITY RETIREMENT
Direction regarding Executive Session

Police

Kelly Lane

MOTION by Mr. Kragnes, seconded by Mr. Gurr that the board denies the application for Permanent Accidental Disability Retirement. Motion **CARRIED** unanimously.

6. REVIEW OF PERMANENT DISABILITY PENSION EXECUTIVE SESSION -
Discussion or consideration of records exempt by law from public inspection
A.R.S. 38-431.03[2] and discussion or consultation for legal advice with attorney
staff A.R.S. 38-431.03 (A [3 & 4])

Police – Attachments

Patricia Tersey

There was no executive session under this item.

7. REVIEW OF PERMANENT DISABILITY PENSION
Direction regarding Executive Session

Police

Patricia Tersey

There was no motion under this item, as Ms. Tersey continues to be eligible for a Permanent Accidental Disability pension.

8. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law
from public inspection A.R.S. 38-431.03[2] and discussion or consultation for
legal advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])
Police – Attachments**

Patrick Arendt: DOH: 06/03/01 DOR: 03/27/09 LAST PHY: 03/04/09
Richard Douglas: DOH: 05/28/95 DOR: 01/30/02 LAST PHY: 02/28/08
Kristina Thacker: DOH: 11/14/93 DOR: 02/26/99 LAST PHY: 03/17/09
Dennis Widener: DOH: 04/30/98 DOR: 07/30/07 LAST PHY: 02/28/08

There was no executive session under this item.

9. **CONSIDERATION OF RULE 17 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Police

Patrick Arendt
Richard Douglas
Kristina Thacker
Dennis Widener

MOTION by Mr. Kragnes, seconded by Mr. Gurr in keeping with board policy to take a physical every other year that both Patrick Arendt and Kristina Thacker are in compliance and do not have to take a physical this year. However, the board will review their cases again next year for consideration. Also that Richard Douglas and Dennis Widener are requested to take a physical with the Board Physician, Dr. Dennis Thrasher to determine if they are still eligible for a Permanent Accidental Disability Pension. Motion **CARRIED** unanimously.

10. **COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
EXECUTIVE SESSION Discussion or consideration of records exempt by law
from public inspection A.R.S. 38-431.03[2] and discussion or consultation for legal
advice with attorney staff A.R.S. 38-431.03 (A [3 & 4])**

Fire – update

Roscoe Ealey - Will have Appointment with Dr. Thrasher March 31st, 2010

There was no executive session under this item.

**11. COMPLIANCE WITH RULE 16 – ANNUAL PHYSICAL
Board Direction Regarding Executive Session**

Fire

Roscoe Ealey

MOTION by Mr. Delfs, seconded by Mr. Tamietti to continue this item until the April 2010 Board meeting. Motion **CARRIED** unanimously.

12. MEDICAL INSURANCE

Police & Fire

There was no Motion under this item.

13. ELECTION

Police & Fire

MOTION by Mr. Delfs, seconded by Ms. Pickens to direct staff to hold a mail ballot election, and to allocate and expend the funds necessary to run the election. Motion **CARRIED** by a roll call vote of 5-0.

MOTION by Mr. Kragnes, seconded by Mr. Hale to direct staff to hold a mail ballot election, and to allocate and expend the funds necessary to run the election. Motion **CARRIED** by a roll call vote of 5-0.

14. FUND INFORMATION

Police & Fire

There was no Motion under this item.

15. ADJOURNMENT @ 9:14 a.m.

The next regular meeting of the Tucson Police and Fire Public Safety Personnel Retirement System Boards is scheduled for **9:00 A.M.** on **Tuesday, March 9, 2010**, in the Finance Department Conference Room, Fifth floor of City Hall, 255 W. Alameda, Tucson, AZ.

MOTION by Mr. Gurr, seconded by Mr. Kragnes to adjourn. Motion **CARRIED** unanimously.

MOTION by Mr. Tamietti, seconded by Mr. Delfs to adjourn. Motion **CARRIED** unanimously.